

July 5, 2023

Inver Grove Heights City Council
c/o Rebecca Kiernan, City Clerk
Inver Grove Heights City Hall
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Dear Council Members:

Subject: **Compliance Agreement** – Final, Inver Grove Heights Public Water Supply, Dakota County,
PWSID 1190014

Enclosed is a fully executed copy of your Compliance Agreement (CA). This agreement is between the City of Inver Grove Heights Public Water System and the Minnesota Department of Health (MDH). Please keep this document for your records.

As long as your water system meets the obligations found under Section II (Corrective Actions), Items 1 thru 4 of this agreement, further action will be held in abeyance. Failure to comply with the requirements of your CA may result in additional action taken by MDH or by the Office of the Attorney General on behalf of MDH.

If you have any questions about this agreement, please contact Andrew Karp at 651/201-4668 or andrew.karp@state.mn.us, of the MDH Community Public Water Supply Unit. Any written documentation regarding the agreement can be sent to Andrew at the address below.

Sincerely,

Sandeep R. Burman

Digitally signed by Sandeep R.
Burman
Date: 2023.07.05 13:18:51 -05'00'

Sandeep R. Burman, PG, Manager
Drinking Water Protection Section
Environmental Health Division
625 North Robert Street
P.O. Box 64975
St. Paul, Minnesota 55164-0975

SRB:nkk

Enclosure

cc: Andrew Karp, MDH St. Paul
Jessie Kolar, MDH St. Paul
Corey Larson, MDH St. Paul
Anita Smith, MDH St. Paul
Eric Kramer, IGH- ekramer@ighmn.gov
Rebecca Kiernan, IGH RKiernan@ighmn.gov
Brian Connolly, IGH bconnolly@ighmn.gov



Environmental Health Division
Section of Drinking Water Protection
P.O. Box 64975
St. Paul, MN 55164-0975
651-201-4700

Inver Grove Heights
PWSID 1190014

COMPLIANCE AGREEMENT

Inver Grove Heights, Minnesota
Contaminant: Combined Radium 226 & 228

This Agreement, by and between Inver Grove Heights, PWSID 1190014 (hereinafter "System"), and the Minnesota Department of Health (hereinafter "MDH") becomes effective on the date signed on behalf of MDH.

I. Authorities and Findings

A. Pursuant to the Safe Drinking Water Act, Minnesota Statutes sections 144.381 to 144.387 and Minnesota Rules chapter 4720, MDH enforces the National Primary Drinking Water Regulations. In Minnesota Rules, part 4720.0350, MDH has adopted the federal National Primary Drinking Water Regulations, 40 CFR, part 141, by reference. 40 CFR, section 141.62(b), establishes the maximum contaminant level (MCL) for combined radium 226 & 228 (combined radium).

B. The System is in violation of the National Primary Drinking Water Regulations because the System's water supply exceeds the MCL of 5.4 picocuries per liter (pCi/L) for combined radium. Through this Agreement, the parties seek to bring the System into compliance with the National Primary Drinking Water Regulations.

II. Corrective Actions

It is agreed between the System and MDH that until the corrective actions set forth below have been implemented and compliance with the MCL for combined radium has been accomplished, the System shall meet the following conditions:

1. The System shall continue notifying the consuming public quarterly (every 3 months) as instructed in the Notices of Violation sent by MDH. The System shall submit the public notification certification documentation quarterly to MDH, within 10 days of distributing the notice to customers. The system shall also report the violation in the Consumer Confidence Report annually.
2. The System shall monitor the entry point supplied by the Babcock Trail treatment plant quarterly for radionuclide concentrations. The entry point samples shall be collected from a location after treatment. MDH will supply the sample kits, the System is responsible for the collection of the sample(s) and the shipping cost to return the sample(s) to the MDH laboratory.
3. The System shall take corrective action according to the project schedule for the improvement of the treatment plant operations for the removal of combined radium to below the MCL as follows:

Actions Required:	Complete No Later Than:
A. Continue to collect quarterly radionuclide samples using sampling kits provided by MDH.	March 31, 2023 June 30, 2023 September 30, 2023 December 31, 2023 March 31, 2024
B. The system will complete final design plans for filter media replacement project for all eight (8) filter treatment cells.	September 1, 2023
C. System will submit final design plans and specifications to MDH for plan approval. Submittal Instructions at: Plan Review Fee Sheet (state.mn.us)	January 1, 2024
D. Filter media replacement project for all eight (8) filter treatment cells will be construction as approved and begin serving water to public.	April 1, 2024
E. Continue to collect quarterly radionuclide samples after construction completion using sampling kits provided by MDH. This will be used determine if project was successful and if the system has returned to compliance.	June 30, 2024 Sept 30, 2024

4. The System shall provide documentation to MDH's Metro Operations Supervisor, Corey Larson at 651-342-9432, or email corey.larson@state.mn.us that the actions required in Conditions 1 through 3 are accomplished. This documentation must be provided to MDH within 10 days after completion of an item.

III. Further Agreements

1. If the system fails to comply with any term or condition of this Agreement that results in noncompliance with applicable rules and statutes, pertaining to public water supplies, MDH may take enforcement actions authorized in Minnesota Statutes sections 144.99 and 144.991, or any other applicable law, including, where appropriate, the assessment of monetary penalties.
2. This compliance agreement terminates when MDH determines the National Primary Drinking Water Regulations as described or stipulated in this agreement have been met. MDH will send written notification to the system when this has been met.
3. This Compliance Agreement may not be modified or amended except in writing and any modifications or amendments must be signed by all the parties.

MINNESOTA DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
Sandeep R. Burman
Digitally signed by Sandeep R. Burman
Date: 2023.07.05 13:51:55 -05'00'

Sandeep R. Burman, Manager
Section of Drinking Water Protection

Date _____

This agreement becomes effective on the date signed by the representative of the MDH.

AG: #2772075-v1
April 1, 2011

INVER GROVE HEIGHTS, MINNESOTA


Brenda Dietrich, Mayor
Inver Grove Heights

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION APPROVING A COMPLIANCE AGREEMENT WITH THE MINNESOTA
DEPARTMENT OF HEALTH RELATED TO CITY PROJECT NO. 2023-03 – WATER
TREATMENT PLANT REHABILITATION IMPROVEMENTS**

RESOLUTION NO. 2023-147

WHEREAS, the City received a notice of violation from the Minnesota Department of Health on January 30, 2023, indicating that the radium concentrations in the City's treated water exceeded the Maximum Contaminant Level set by the Environmental Protection Agency; and

WHEREAS, it is required by the Safe Drinking Water Act and several state and federal statutes that the City enter a Compliance Agreement with the Minnesota Department of Health indicating the corrective actions to be taken in regards to the noted violation; and

WHEREAS, Public Works staff have worked with the Minnesota Department of Health in developing a response plan and schedule for corrective action as it relates to City Project No. 2023-03 – Water Treatment Plant Rehabilitation Improvements; and

WHEREAS, staff recommend the Compliance Agreement as drafted by the Minnesota Department of Health is acceptable and accurately reflects the proposed implementation of treatment plant modifications to address the radium concentration levels in the City's water system, and to bring the system back into compliance with Minnesota Department of Health and Environmental Protection Agency requirements.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
INVER GROVE HEIGHTS, MINNESOTA THAT:**

1. The City Clerk is hereby authorized and directed to approve the Compliance Agreement provided by the Minnesota Department of Health.
2. Staff are directed to implement the corrective actions and report progress to the Minnesota Department of Health as detailed in the Compliance Agreement.

Adopted by the City Council of the City of Inver Grove Heights this 26th day of June 2023.



Brenda Dietrich, Mayor

ATTEST:



Rebecca Kiernan, City Clerk